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SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE APPLICATION
OF WESTWATER FARMS, LLC FOR
ADMINISTRATIVE APPROVAL OF THE
HARLEY DOME 1 SWD WELL LOCATED
IN SECTION 10, TOWNSHIP 19 SOUTH,
RANGE 25 EAST, S.L.M., GRAND
COUNTY, UTA, AS A CLASS II
INJECTIONS WELL

ORDER DENYING
REQUEST FOR CONTINUANCE

Docket No. 2010-029

Cause No. UIC -358.1

The Board of Oil, Gas and Mining has reviewed the following documents filed in connection with Living Rivers' motion to continue the hearing presently scheduled for December 8, 2010 in the above-captioned matter.

- Motion to Continue Hearing on Notice of Agency's Action, filed by Living Rivers on November 24, 2010;
- Memorandum in Opposition to Motion to Continue Hearing and Motion for Expedited Consideration filed by Westwater Farms, LLC on November 30, 2010;
- Division's Objections to Request for Continuance, filed on November 30, 2010.

Having reviewed the parties' filings, the Board is not persuaded that good cause to continue the December 8, 2010 hearing has been shown. Under ordinary circumstances, Requests for Agency Action are filed on the 10th of the month preceding the Board's regularly scheduled hearings. Utah Admin Code R641-101-100. Responses are due on the 10th of the following month (the month of the Board hearing). R641-101-200. Because Board hearings usually occur on the fourth Wednesday of the month,

respondents generally have approximately thirty (30) days to prepare a response to a petition, and have approximately forty-five (45) days to prepare for the hearing. In the present matter, given the Board's unusual November/December schedule (which results from the combining of the hearings for those two months into a single hearing on December 8, 2010), Living Rivers has had approximately one extra week beyond the usual approximately forty-five (45) day period to prepare for the hearing.

It should be further noted that, unlike the usual case in matters filed before this Board, Living Rivers had notice of Petitioner's application for a significant interval even before the Request for Agency Action was filed. This is true because the present matter was not originally initiated as a formal adjudication before this Board as most matters are. Rather, it was commenced informally, and it was the filing of an objection by Living Rivers back on September 3, 2010, which necessitated the matter being converted to a formal adjudication before this Board. Thus, whereas most respondents before this Board have approximately forty-five (45) days between the original filing of a request/petition and the hearing thereon, in the present case, Living Rivers will have had more than ninety (90) days between first learning of the requested relief and the date of the hearing.

The only reason for a continuance given in Living Rivers' Motion is to permit time to review prior filings, "prepare materials" and "make arrangement to attend the hearing." Living Rivers does not state why the already longer than usual timeframe they have had to prepare has not been sufficient or why it delayed hiring counsel as long as it did. They have simply asked for more time to do what is ordinarily done without sufficiently addressing why good cause exists to delay the hearing an additional seven weeks. Under the facts discussed above and set forth in the parties' filings on the

Motion, the Board does not find that good cause has been shown for any continuance of this matter.

For the above reasons, Living Rivers Motion to Continue Hearing is denied.

ISSUED this 2nd day of December, 2010.

Utah Board of Oil, Gas & Mining

A handwritten signature in cursive script, reading "Douglas E. Johnson".

Douglas E. Johnson, Chairman

Certificate of Service

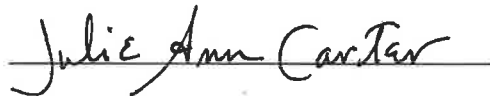
The undersigned certifies that a true and correct copy of the foregoing Order was sent by email and by first class mail to the following at the addresses indicated this 2nd day of December, 2010.

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A handwritten signature in cursive script, reading "Julie Ann Carter", written over a horizontal line.